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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,548	12/29/2000	Min Zhu	M-8856 US	7423

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EXAMINER

STRANGE, AARON N

ART UNIT PAPER NUMBER

2153

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/751,548

Applicant(s)

ZHU ET AL.

Examiner

Aaron Strange

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 2/16/2005 have been fully considered but they are not persuasive (See Advisory Action mailed 3/18/2005). Applicant has not provided any additional argument or amendment with the Request for Continued Examination filed 4/14/05.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 19-25 and 27-31 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 19-25 of copending Application No. 09/751,424 and claims 19-27 of copending Application No. 09/751,806. Although the conflicting claims are not identical, they are not patentably

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distinct from each other because all of the applications recite claims for a collaborative system comprising a web zone, meeting zone, meeting manager, collaboration server, and application server. The differences between the claims are either inherent or well-known in the art, and do not result in patentably distinct claims (Also see discussion in Final Office action of 11/16/04, ¶2-4).

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 19-25 and 27-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Quantrano et al. (US 6,748,420).

6. With regard to claims 19 and 27-30, Quantrano discloses a scalable system for collaborative computing, comprising: a web zone for allowing a plurality of client computers to access the scalable system via a global-area network, the web zone

having at least one web server (Fig 3, Abstract); a meeting zone for supporting an on-line conference among the plurality of client computers, the meeting zone having a meeting manager, a plurality of collaboration servers, and a plurality of application servers (Figs. 3,8,9 and Col 18, Lines 7-15 and Col 29, Line 66 to Col 30, Line 47), wherein: the meeting manager is operable to manage the on-line conference in the meeting zone (Col 18, Lines 7-15 and Col 29, Line 66 to Col 30, Line 47); each collaboration server is operable to host at least a portion of the on-line conference (Fig 8 and Col 29, Line 66 to Col 30, Line 20); and each application server is operable to support at least one service for the on-line conference (Fig 9 and Col 30, lines 22-35); wherein the meeting manager is operable to receive a request to join the on-line conference from a client computer, and to select at least one of the collaboration servers and the application servers based on respective processing loads of the collaboration servers and the application servers (Col 29, Line 66 to Col 30, line 20).

7. With regard to claim 20, Quantrano further discloses that each collaboration server and each application server comprises a respective logical server (Fig 9 and Col 30, Lines 22-35).

8. With regard to claim 21, Quantrano further discloses that the meeting zone comprises a process manager for monitoring each logical server (Fig 9 and Col 30, Lines 22-35).

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9. With regard to claim 22, Quantrano further discloses that the meeting zone comprises a zone manager for supporting communication among the logical servers (Col 18, Lines 7-15).

10. With regard to claims 23 and 31, Quantrano further discloses that the meeting manager is operable to maintain status information for the meeting zone (Col 16, Lines 8-31).

11. With regard to claim 24, Quantrano further discloses that the at least one service for the on-line conference comprises one of document viewing, file sharing, video, voice over IP, telephony, polling, chat, and application sharing (application sharing)(Abstract).

12. With regard to claim 25, Quantrano further discloses that the meeting manager is operable to manage all of the collaboration servers and the application servers in the meeting zone (Figs 8,9 and Col 29, Line 66 to Col 30, Line 47).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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14. Claims 26 and 32 rejected under 35 U.S.C. 103(a) as being unpatentable over Quantrano et al. (US 6,748,420) in view of Salesky et al. (US 6,343,313).

15. With regard to claims 26 and 32, while the system disclosed by Quantrano shows substantial features of the claimed invention (discussed above), it fails to specifically disclose that the meeting manager is operable to determine whether a predetermined number of authorized conference participants has been exceeded.

Salesky teaches determining whether a predetermined number of authorized conference participants have been exceeded so that additional servers can be assigned to a meeting if process limitations are exceeded by a large number of client connections (Col 32, Lines 6-38). Adding additional servers as the number of users allows the performance of the system to be maintained.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the meeting manager to determine if a predetermined number of authorized conference participants have been exceeded. This would have allowed additional servers to be assigned to the meeting to improve or maintain performance of the system.

Conclusion

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron Strange whose telephone number is 571-272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AS
5/11/2006



KRISNA LIM
PRIMARY EXAMINER